

**TOWN OF DUMFRIES, VIRGINIA**  
**PLANNING COMMISSION**  
**Bylaws and Rules of Procedure**  
**Adopted February 6, 2018**

The Town of Dumfries Planning Commission adopts these Bylaws for its rules and procedures for the transaction of its business for the benefit of the citizens of the Town of Dumfries (“Town”)

**ARTICLE I. NAME**

The official title of this Board is the Town of Dumfries Planning Commission, also known by the abbreviation “PC.”

**ARTICLE II. ORIGIN, AUTHORITY, AND PURPOSE FOR THE BOARD**

**2.1 Origin and Authority.** The Planning Commission was established in conformance with the Virginia State Code and the Town of Dumfries Zoning Ordinance which was adopted in September 1979. The Planning Commission is governed by the provisions of Virginia Code §§ 15.2-2210 through 15.2-2222.1, 15.2-2230, 15.2-2232, and 15.2-2233 and by the Town Code of the Town of Dumfries. Other legislation applicable to the Planning Commission includes the Virginia Freedom of Information Action (Virginia Code Sections 2.2-3700 through 2.2-3714) and the State and Local Government Conflict of Interests Act (Sections 2.2-3100 through 2.2-3131).

**2.2 Purpose.** The Planning Commission will strive to seek the best solutions available to meet the needs and interests of the Citizens of the Town of Dumfries and exercise its powers and duties in accordance with the provisions of Chapter 22, Title 15.2 of the Code of Virginia.

**ARTICLE III. COMPOSITION**

**3.1 Membership.** The composition of the PC shall consist of five (5) to (15) members.

**3.2 Members.** In accordance with the applicable sections of the Code of Virginia and the Town Code of the Town of Dumfries, the PC shall consist of not less than five (5) and no more than fifteen (15) members. In no event shall the PC have an even number of members. Each appointee shall be a resident residing within the Town’s limits that hold no office of profit under the Town government except that one (1) PC member may be a member of the Town’s Board of Zoning Appeals and one (1) other member may also be a member of the Town’s Architectural Review Board. In order to be considered for appointment to the PC, residents must not be delinquent on any Town taxes or fees and successfully pass a Virginia State Police background check.

**3.2.a Filling Vacancies.** Upon notice by the Town Manager or the Secretary of the PC of the impending expiration of the term of any member of the PC, the Town Council shall review any current applications for membership on the PC and fill the expiring term by reappointing the current member or appointing a new member to the position. Any vacancy of an unexpired term shall be filled by Town Council appointment and shall be for the unexpired term only. The Town Council shall fill any vacancies it may choose to fill, provided the PC shall never have less than five (5) members or an even number of

members. The Town Manager shall notify the Town Council ninety (90) days prior to the end of any term or terms to expire and if necessary, direct staff to solicit applications in a generally circulated newspaper or media outlet.

In reviewing the qualifications of current appointed members to the PC, the Town Council may consider the following:

- 1) Attendance and participation at meetings of the PC or its committees;
- 2) Attendance at an Institute for Planning Commissioners and other training programs;
- 3) Qualified by knowledge and experience to make decisions on questions of community growth and development.

**3.3 Term.** Members shall be appointed by the Town Council for four (4) year terms, or until a successor takes office. Terms of appointment shall be staggered. Members may be appointed to successive terms.

**3.4 Officers.** The Officers shall be selected or appointed on an annual basis as designated below:

**3.4.a Chairperson.** At its first regular meeting in June of each year, the voting members of the PC shall elect a Chairperson. A candidate receiving a majority vote of the entire membership of the PC shall be declared elected and take office on July 1. The Chairperson shall be a voting member. The term of office for the Chairperson shall be for one (1) year. If elected, the Chairperson may serve up to two (2) consecutive one (1) year terms. The Chairperson shall preside over all meetings and serve as the parliamentarian and decide all points of order and procedure. The Chairperson shall also call special meetings of the PC in accordance with the By-Law, certify all minutes with the Recording/Transcribing Secretary, and other documents as necessary, as true and correct copies, appoint any committees and committee chairs that may be found necessary, and carry out other duties as assigned by the Town Council of the Town of Dumfries. The Chairperson (or the Vice-Chairperson in his absence) must attend any Town Council meeting in which a report is being presented by the PC and any Town Council meeting in which a recommendation of the PC is being presented to the Town Council or considered by the Town Council. Vacancies in the office of Chairperson shall be filled immediately by majority vote of the membership at the next regular meeting following notification of the vacancy and shall be for the unexpired portion of the term.

**3.4.b Vice-Chairperson.** At its first regular meeting in June of each year, the voting members of the PC shall elect a Vice-Chairperson. A candidate receiving a majority vote of the entire membership of the PC shall be declared elected and take office on July 1. The Vice-Chairperson shall be a voting member. The term of office for the Vice-Chairperson shall be for one (1) year. If elected, the Vice-Chairperson may serve up to two (2) consecutive one (1) year terms. The Vice-Chairperson shall serve as the acting Chairperson in the absence of the Chairperson. The Vice-Chairperson (in the absence of the Chairperson) must attend any Town Council meeting in which a report is being presented by the PC and any Town Council meeting in which a recommendation of the PC is being presented to the Town Council or considered by the Town Council. Vacancies in the office of Vice-Chairperson shall be filled immediately by majority vote of the membership at the next regular meeting following notification of the vacancy and shall be for the unexpired portion of the term.

**3.4.c Secretary.** The selection of Secretary of the PC shall be the responsibility of the Town Manager. The Town Manager shall designate a qualified Town staff member or independent contractor to serve as Secretary and provide the PC with support services and project presentation support. The Secretary, as he/she is not a member of the PC, shall not count toward a quorum and shall not be entitled to vote on matters before the PC. The Secretary shall ensure an audio record is created of every meeting and keep minutes of its proceedings, showing the vote on each piece of business requiring a vote brought before it. The Secretary shall also inform the PC of any correspondence relating to business of the PC and attend to such correspondence. Minutes and all other such records as the Town Manager deems necessary shall be filed in the Dumfries Town Hall and shall become a public record.

**3.4.d Chair Pro Tem.** In situations in which both the Chairperson and the Vice-Chairperson are absent from a hearing or meeting, the remaining members of the PC shall elect a Chair Pro Tem from among themselves by a majority vote.

**3.4.e Quorum when Electing Officers.** In the event that a quorum does not exist at the June meeting, the PC shall elect officers at the next regular business meeting at which a quorum is established.

**3.5 Conduct of Members.** The Conduct of the members of the PC shall, at a minimum, conform to the standards below:

**3.5.a Preparation for Meetings.** Members of the PC shall take such time as necessary to prepare themselves for hearings and meetings.

**3.5.b Compliance with State and Local Law.** PC members shall comply at all times with the Virginia State and local Conflict of Interest Act (Code of Virginia §2.231-et seq., 1950, as amended, hereinafter “the Act”). A PC member with a personal interest (as defined in Code of Virginia § 2.2-3101 in any transaction or matter coming before the PC must disclose that personal interest in accordance with the Act. The member shall disqualify himself/herself from participating in the matter if the matter has application solely to property or a business in which the PC member has a personal interest, or is otherwise unable to participate by virtue of the Act. Nonetheless, a member may participate in the PC’s deliberations and vote on the matter if the PC member is a member of a business, profession, occupation, or group, the members of which are affected by the matter under consideration, and the PC member complies with the declaration requirements of the Code of Virginia, § 2.2-3115 (G). The member may also participate in the matter under consideration if the matter affects the public generally, even though the personal interest of the PC member, as a member of the public, may also be affected. In the event that a personal interest prevents a PC member from participating in the PC’s actions on a matter, the interest of that Planning Commissioner may be represented before the PC by a specifically designated representative or legal agent at the public hearing or work session, and testimony entered into the public record. Further, the PC members shall, if required by the Act, complete a written declaration of the conflict in the form specified by the *Code of Virginia*, such declaration to be kept with the minutes of the meeting.

**3.5.c Ex Parte Contact/Communication Prohibited.** Ex Parte Communication between PC members and applicants or other party of interest, and attorneys for an applicant or party in interest are strictly prohibited.

- 1) No applicant or other party of interest, and no attorney for an applicant or party in interest, shall initiate any contact with a member of the PC for the purpose of conducting a private discussion, in person, by telephone or electronic mail, concerning the merits of any matter pending before the PC.
- 2) No member of the PC shall participate in any such private discussion.
- 3) If any member of the PC is contacted by a party in interest, or attorney for such party, with reference to a matter pending before the PC, the PC member shall respectfully inform the party or attorney of the restrictions which this Rule imposes, and of the right of the party to make a full presentation to the entire PC at a Public Hearing and promptly discontinue the discussion. Any member PC.

**3.5.d Removal from Membership on the Planning Commission.** Any member of the PC may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause (including willful nonpayment of any Town fees or taxes), by the Town Council without limitation, upon written charges and after a public hearing. Additionally, a member of the PC may be removed from office by the Town Council in the event that the member is absent from any three (3) consecutive meetings of the PC, or is absent from any four (4) meetings of the PC within any twelve (12) month period. A successor may then be appointed by Town Council for the unexpired portion of the term of the member who has been removed.

**3.6 Compensation.** Members of the PC may receive such compensation as may be authorized by the Dumfries Town Council and as permitted or required by the Virginia State Code and the Town Code of the Town of Dumfries. Each member will be compensated for Public Hearings or meetings requiring attendance by PC members, regardless if a quorum is present for transaction of business.

**3.7 Advisors.** The PC may utilize advisors with special knowledge, experience, or abilities particular to matters before the PC. Advisors may assist the active members without regard to residency. The advisors do not require appointment by the Town Council. Advisors shall not have voting privileges on the PC. Advisors may be limited at the discretion of the Chairman.

## **ARTICLE IV. MEETINGS, PROCEDURE AND ADMINISTRATION**

**4.1 Meetings.** Regular and special meetings of the PC will adhere to the following standards:

**4.1.a Regular Business Meetings.** The number of meetings per month and a schedule of meeting dates shall be established and may be altered or changed at any regularly scheduled meeting. One (1) regular meeting will be held monthly on the 1<sup>st</sup> Monday, following the regular Town Council meeting, holidays excepted. Additional meetings may be held at any time upon the call of the Chairperson or by two (2) members of the PC or upon the request of the Town Council following at least twenty-four (24) hours of notice to each member of the PC. The meetings shall be open at 7:00pm local time (unless otherwise noted on the posted agenda), and adjourn upon completion of the business before it.

**4.1.b Special Meetings.** Special meetings may be called at any time by the Chairperson or a majority of the PC, provided proper notice is given. Proper notice shall be three (3) working days, unless emergency necessitates a shorter period of time.

**4.1.c Closed Sessions.** Closed Sessions may be held for the purposes provided for in the Virginia Freedom of Information Act. Provided that:

- 1) No meeting shall become a Closed Session unless there shall have been recorded an affirmative vote to that effect by the PC.
- 2) Immediately subsequent to each Closed Session, the PC shall certify, in open session that only matters specifically identified for convening the Closed Session were discussed or considered.
- 3) No action agreed upon in a Closed Session shall become effective unless confirmed by the PC in an open meeting.
- 4) At a Closed Session, the Chairperson, with the approval of the PC membership, may invite attendance by any person(s) the PC believes will contribute to discussion of the matter.

**4.1.d Location of Meetings.** The meetings shall be held in Town Hall Council Chambers (unless otherwise noted on posted agenda). The meeting place may be moved, provided all concerned have been notified of the alternate meeting place at least three (3) working days prior to the date of the scheduled meeting. The alternate meeting place shall be noted on the posted agenda for such meeting. A log will be maintained of dates, time of notification and name of the person notified of such alternate meeting place, as deemed appropriate by the Chairperson.

**4.1.e Cancellation of Meetings.** A regular or special meeting may be canceled when there is no business to be brought before the board. The cancellation may be called by the Chairperson after consultation with the Town Manager or his designee, with notification to all concerned not less than three (3) working days prior to the scheduled opening of the meeting.

**4.1.f Attendance at Meetings.** All voting and non-voting members of the PC are expected to attend all regular business meetings and special called meetings of the PC unless excused. The determination of an excused absence for a valid reason shall be made by the Chairperson, subject to review by the full PC for an appeal of a determination by the Chairperson that a member's absence is not excused. Each member of the PC who has knowledge of the fact that he/she will not be able to attend any scheduled meeting of the PC shall notify the PC Chairperson or Town Manager at the earliest possible opportunity and in any event prior to 5:00 PM on the date of the meeting.

**4.1.g Annual Organizational Meeting.** In January of each year, the PC shall hold an organizational meeting to include but not be limited to the review and approval of the meeting schedule for the next calendar year, establishing administrative priorities, and planning for training opportunities.

**4.1.h Annual Meeting with Town Council.** The members of the PC shall meet annually with the Town Council. In March of each year, or as otherwise dictated by the Town Council, the PC shall meet with the Town Council. The PC shall issue an Annual Report to the Town Council of the activities of the previous Calendar Year. The Annual Report shall be presented in June and include the number of matters reviewed, the

number of matters approved in one meeting, the number of matters approved after one or more deferrals, and the number of matters denied. The report shall also include a summary of any notable matters or other issues addressed by the PC during the previous Calendar Year and any anticipated training needs for the coming year.

**4.1.i Site Visits.** When necessary, site visits may be made prior to the hearing of a case or cases pending. The Town Manager or his designee shall notify members if a site viewing is required.

**4.2 Rules of Procedure.** Procedural matters of the PC will be as stated herein.

**4.2.a Notice.** Notice of all meetings of the PC shall be as prescribed by the Town of Dumfries Zoning Ordinance(s) and as required by the Virginia Freedom of Information Act and the State and Local Government Conflict of Interests Act.

**4.2.b Roberts Rules of Order.** The rules for conducting public meetings of the PC, which are not otherwise governed by ordinance, regulation, or statute, shall be carried out in accordance with *Robert's Rules of Order, Newly Revised, In Brief*.

**4.2.c Quorums and Actions.** A quorum shall consist of a majority of the members of the PC. The vote of a majority of those members present shall be sufficient to decide matters brought before the PC, provided a quorum is present.

- 1) If the PC fails to establish quorum for a meeting, the Recording Secretary shall enter in the minute book the names of the members present and the adjournment for want of a quorum.
- 2) The temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters.
- 3) In the absence of a quorum, no official actions shall be taken by the PC or its standing and special committees.
- 4) No action of the PC or its standing and special committees shall be valid unless authorized by a majority vote of those present and voting.
  - i. At the request of any PC member, the Chairperson shall restate the motion or ask another PC member to do so.
  - ii. An action may be reconsidered only upon a motion by a PC member who voted with the prevailing side on the original vote. A motion to reconsider must be made at the same or immediately subsequent regular meeting.

**4.2.d Conflicts.** No PC member shall participate in the decision of any matter in which he/she has a personal, financial, or other interest. Members shall exempt themselves from taking part in the hearing, consideration, or determination of any matter in which the member or any of their immediate family or employer is financially interested. For purpose of this provision, a member has a financial interest if the member, the member's business partner or any organization for which the member or the member's partner is employed or is about to be employed has a financial interest in the matter being considered by the PC. Immediate family shall be construed to mean close relatives by birth or marriage including siblings, parents, children, in-laws, and any financial dependents. It is the intent of this section to prohibit any and all conduct that would amount to a conflict of interest as defined in any applicable state or local law, rule, regulation, or guideline.

**4.2.e Open Forum.** Meetings of the PC shall be open to the public except as provided by the *Virginia Freedom of Information Act*.

**4.2.f Order of Business for Regular Meetings.** The order of the business of a regular meeting, upon the determination of a quorum, shall be:

- 1) Call to order by the Chairperson
- 2) Roll call and acknowledgement of quorum
- 3) Adoption of Agenda
- 4) Approval of minutes of previous meeting
- 5) Public Comment time (time limit of eight (8) minutes per organization and five (5) minutes per citizen)
- 6) Presentations to the PC
- 7) Public hearings on deferred cases
- 8) Public hearings on new cases
- 9) Application or other Agenda items requiring PC action
- 10) Staff report on administrative approvals
- 11) Workshop sessions with prospective applicants
- 12) Old business
- 13) New business
- 14) Report of committees
- 15) Adjournment

**4.2.g Public Hearing Procedure.** Procedural rules for public hearings on applications shall be as follows:

- 1) Call of the agenda item(s). The Chairperson shall inform those present of the procedures to be followed, to include time limitations, and shall ask any citizen with a written statement to present it to the Recording Secretary before any speakers are called to allow review time by PC members.
- 2) Reaffirmation of the affidavit. Prior to each public hearing, the applicant or authorized agent shall make an oral statement that the new or reaffirmed affidavit/application/submittal is correct and accurate as of the date of that hearing. Following the reaffirmation, the Chairperson will query PC members to ascertain the need for any disclosures based on provided information.
- 3) Open Public Hearing.
- 4) Call for the staff presentation. Staff shall describe the application or amendment at issue and explain its findings. The staff presentation or any part thereof may be waived, or a time limit thereon established, by majority vote of the PC.
- 5) Call for the applicant's presentation. An applicant may appear on his/her own behalf or be represented by an agent. The time limit for the applicant's presentation shall ordinarily be ten (10) minutes. The Chairperson may allow additional time for the applicant's opening presentation in complex cases.
- 6) Call for testimony from the public. Public testimony shall be provided in-person at the meeting location during the public hearing unless designated otherwise by the Chairperson. Limits for public testimony shall be as follows:
  - i. Five (5) minutes for individuals appearing on their own behalf, if signed up on the Speakers List prior to the public hearing.
  - ii. Eight (8) minutes for individuals representing a business entity, civic association, homeowners association, business or professional association, or other similar organization or group, if signed up on the Speakers List prior to the start of the public hearing. Each such organization or group is

entitled to one eight (8) minute presentation, which may be presented by one or several speakers, as the organization or group may elect.

- iii. Three (3) minutes for individuals, who have not signed up on the Speakers List by start of the public hearing, regardless of whom they may represent.
- 7) Rebuttal. Call for rebuttal testimony by the applicant/agent. There shall be a ten (10) minute time limit on such testimony, although additional time may be permitted at the discretion of the Chairperson.
- 8) Closing staff comments. Closing comments and recommendations from the staff are presented at his time. There shall be a five (5) minute time limit on such comments and recommendations of each staff member. Time limits provided in this paragraph may be extended at the discretion of the Chairperson.
- 9) Adjournment. The Chairperson shall announce closure of the public hearing and call for action on the application. The PC member handling the application shall comment on the application and introduce a motion for consideration. Other members of the PC may, prior to the vote, comment on the application and/or the motion. The PC may defer any action to a future date.

**4.2.h Reconsideration of Decision.** Reconsideration of any decision of the PC may be had when the interested party for such reconsideration makes a showing, satisfactory to the chairperson, that without fault on the part of such party, essential facts were not brought to the attention of the PC.

**4.2.i Maps and Documents.** All maps, plats, and other matters required by law are to be filed in the Town Hall in a place accessible to the PC.

**4.2.j Town Council.** Matters referred to the PC by the Town Council shall be placed on the calendar for consideration and action at the 1<sup>st</sup> meeting of the PC after such reference.

**4.2.k Voting Procedure and Tie Breaker.** Each member of the PC shall have one (1) vote. Voting shall be by voice vote. Order of voting shall be rotated each month and Chairperson shall vote last. In the event of a tie vote, the Town Council shall act as a tiebreaker.

**4.3 Agenda.** The order of the agenda and deadlines shall be as prescribed below.

**4.3.a Deadlines**

- 1) Deadline for filing for placement on the agenda for applications for plan review and sign permits shall be five (5) work days prior to consideration by the PC.
- 2) Deadline for filing for placement on the agenda for applications for master plans, precise development plans, variances, use permits, and sign variances shall be ten (10) working days prior to consideration by the PC.
- 3) Request for continuance of matters scheduled for a particular agenda shall be filed with the Town Clerk by Wednesday noon preceding the Monday meeting so that the printed agenda (available to the public on Wednesday) will reflect the requested continuance.
- 4) Consideration deadline - No new agenda items may be taken up after 9:00 p.m. unless the majority of the PC agrees to do so by an affirmative vote.

**4.3.b Order of Consideration of Agenda Items**



- 1) The Zoning Administrator (or his/her appointed Staff member) shall present reports and make recommendations.
- 2) The PC members may ask questions regarding the presentation by Staff.
- 3) Proponents of the agenda item make presentations.
- 4) Any opponents make presentations.
- 5) Applicant makes rebuttal of any points not previously covered.
- 6) PC members asks any questions they may have of the proponents, opponents, Zoning Administrator or appointed Staff and then *may* take a vote.
- 7) The Chairperson of the PC may request to amend business on the agenda.

**4.4 Title 15.2, Chapter 22 of the Code of Virginia.** In order to effectuate Title 15.2, Chapter 22 of the Code of Virginia the PC shall:

- 1) Exercise general supervision of, and make regulations for, the administration of its affairs;
- 2) Prescribe rules pertaining to its investigations and hearings;
- 3) Supervise its fiscal affairs and responsibilities under rules and regulations as prescribed by the governing body;
- 4) Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents. This will be achieved by the Recording Secretary in cooperation with Town Staff.
- 5) Make recommendations and an annual report to the governing body concerning the operation of the PC and the status of planning within its jurisdiction;
- 6) Prepare, publish, and distribute reports, ordinances, and other material relating to its activities;
- 7) Prepare and submit an annual budget in the manner prescribed by the Town of Dumfries; and
- 8) If deemed advisable, establish an advisory committee or committees.

**4.5 Role of the Zoning Administrator.** The role of the Zoning Administrator as he/she relates to the PC shall be as determined by the Town Manager with the concurrence of Town Council. At a minimum, the Zoning Administrator shall act as Agent between the PC and the Town Staff, receive and respond to questions from the PC and Town Staff, and act as agent to ensure that the actions and recommendations of the PC are properly and appropriately transmitted to the requisite person, body, or agency.

**4.6 Comprehensive Plan.** The PC shall prepare and recommend a comprehensive plan for the physical development of the Town of Dumfries in accordance with the provisions of Chapter 22, Article 3 of the Virginia State Code (as amended) and shall review the comprehensive plan at least once every five (5) years to determine whether it is advisable to amend the plan.

## **ARTICLE V. AMENDMENTS**

**5.1 Meetings.** These Bylaws may be amended at any meeting of the PC at which a quorum is present.

**5.2 Notice.** Notice of any proposed amendment and a copy thereof must be provided to each PC member in writing at least two (2) weeks prior to the meeting at which a vote will be taken on the proposed amendments.

**5.3 Vote Required.** An affirmative vote of a majority of the entire membership of the PC is required to pass any amendment to these Bylaws.

**5.4 Town Council Approval.** The Town Council must approve any proposed amendments to these Bylaws. Any amendment to the Bylaws will be in full force and only effect after it has been passed by the PC and approved by a majority vote of the Town Council. Approval of the Bylaws by both the PC and the Town Council must be in the form of a Resolution.

## **ARTICLE VI. ADOPTION**

### **Planning Commission:**

These By-Laws and/or Amendments thereto have been adopted by the Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairperson, Planning Commission

\_\_\_\_\_  
Secretary, Planning Commission

### **Town Council:**

These By-Laws and/or Amendments thereto have been REVIEWED and APPROVED by the Dumfries Town Council on this 6th day of February, 2018.

\_\_\_\_\_  
Gerald M. Foreman, II  
Mayor, Town of Dumfries

\_\_\_\_\_  
Dawn Hobgood  
Clerk, Town of Dumfries

### **Previous Versions Approved:**

Planning Commission Approval March 21, 2011  
Town Council Review and Approval March 15, 2011  
Planning Commission Approval January 13, 2014  
Planning Commission Approval November 10, 2014  
Town Council Approval 12-2-14